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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/922,339

08/03/2001

Akio Hashimoto

IS11-001

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21567

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04/17/2003

WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.
601 W. FIRST AVENUE
SUITE 1300
SPOKANE, WA 99201-3828

EXAMINER

FULLER, RODNEY EVAN

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,339

Examiner

Rodney E Fuller

Applicant(s)

HASHIMOTO, AKIO

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,3-15,17-22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) 2,16 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on August 4, 2000. It is noted, however, that applicant has not filed a certified copy of the JP-2000-236688 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-15, 17-22 and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Landmeier (US 4,806,707).

Regarding claims 1, 9, 15 and 22, Landmeier discloses "a position pointing means having a light reflection means (Fig. 5, ref.# 48); a light emitting means (Fig. 5, ref.# 40) for emitting light to said light reflection means of said position pointing means; a light receiving means (Fig. 5, ref.# 42) for receiving light from said light reflection means of said position pointing means; and a coordinate calculation means (Fig. 18, ref.# "computer") for calculating the position coordinate of said position pointing means based on information from said light receiving means, said position detection device being characterized in that: said position pointing means has a pen-like shape (column 1, line 7), and has a movable pen-core portion (column 1, lines 15-17) changeable in its position according to the pressing pressure against the surface of a board, and a

light modulation means for changing the characteristics of the reflection light, and a transmission means (Fig. 5, ref.# 48) for transmitting to said light modulation means the displacement of said movable pen -core portion; and said light receiving means (Fig. 5, ref.# 42) has an up/down state detection means for obtaining up- and down-state information of said position pointing means by detecting the characteristics of light which have been changed by said light modulation means."

Regarding claims 3 and 22, Landmeier discloses wherein "said light reflection means comprises a retroreflective means (Fig. 5, ref.# 48) having retroreflective characteristics, and said light emitting means (Fig. 5, ref.# 40) is disposed in the vicinity of said light receiving means so that the light from said light emitting means is retroreflected by said retroreflective means and is then incident on said light receiving means (Fig. 5, ref.# 42)."

Regarding claims 4, 10, 17 and 24, Landmeier discloses wherein "said light modulation means comprises a light shielding mechanism adapted to shield or block a part or all of the reflection light." (column 3, lines 55-59)

Regarding claims 5, 11, 18 and 25, Landmeier discloses wherein "said light modulation means comprises a means which changes a light reflection area of said light reflection means." (column 3, lines 47-50)

Regarding claims 6, 12, 19 and 26, Landmeier discloses wherein "said light modulation means comprises a means which changes intensity of the reflection light of said light reflection means." (column 3, lines 47-50)

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Allowable Subject Matter

4. Claims 2, 16 and 23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 2, 16 and 23, the prior art does not disclose or suggest the structure of a position detection device as set forth in claim 1, 15 and 22, which also includes a light receiving means that comprises at least two detection means with a predetermined space therebetween to obtain information on incident angles of the light coming from a light reflection means; along with a coordinate calculation means that is adapted to calculate the position of the position pointing means based on a triangular principle from at least two incident angle information.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Jewitt, et al. (US 3,498,692), Hillman (US 4,107,540) and Budrikis, et al. (US 4,705,942) each disclose a position detection device that has a pen like shape and a movable pen-core portion changeable in its position according to the pressing pressure against a surface.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847.

Rodney Fuller
Primary Examiner

A handwritten signature in black ink, appearing to read 'R. Fuller', is written over the printed name of the examiner.

April 15, 2003